



Reprinted
February 24, 2004

ENGROSSED

HOUSE BILL No. 1017

DIGEST OF HB 1017 (Updated February 23, 2004 5:23 pm - DI 52)

Citations Affected: IC 13-23.

Synopsis: Underground storage tank penalties. Prohibits a penalty from being assessed against the owner of an underground storage tank for any failure to pay an annual registration fee in connection with the tank due before January 1, 2004, if the owner registered the tank before January 1, 2004.

Effective: July 1, 2004.

Grubb, Wolkins, Bottorff

(SENATE SPONSORS — GARD, LANANE, HARRISON)

December 4, 2003, read first time and referred to Committee on Environmental Affairs.
January 29, 2004, amended, reported — Do Pass.
February 2, 2004, read second time, ordered engrossed.
February 3, 2004, engrossed.
February 5, 2004, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 9, 2004, read first time and referred to Committee on Environmental Affairs.
February 17, 2004, reported favorably — Do Pass.
February 23, 2004, read second time, amended, ordered engrossed.

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EH 1017—LS 6121/DI 52+



Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1017

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-23-12-7, AS AMENDED BY P.L.14-2001,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 7. (a) **Except as provided in subsection (e)**, an
4 owner of an underground storage tank who:
5 (1) is required to pay the fee under section 1 of this chapter; and
6 (2) fails to pay the fee when due as established under section 2 of
7 this chapter;
8 shall be assessed a penalty of not more than two thousand dollars
9 (\$2,000) per underground storage tank for each year that passes after
10 the fee becomes due and before the fee is paid.
11 (b) Except as provided in subsection (c), each penalty assessed
12 under this section and collected from the owner of an underground
13 petroleum storage tank shall be deposited as follows:
14 (1) Fifty percent (50%) shall be deposited in the petroleum trust
15 fund.
16 (2) Fifty percent (50%) shall be deposited in the excess liability
17 trust fund.

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(c) Penalties assessed under this section and collected from owners of underground storage tanks used to contain regulated substances other than petroleum shall be deposited in the hazardous substances response trust fund.

(d) The penalty set forth in this section is in addition to the penalties that may be imposed under the following:

(1) IC 13-23-14-2.

(2) IC 13-23-14-3.

(3) IC 13-23-14-4.

(4) IC 13-30-4.

(5) IC 13-30-5.

(6) IC 13-30-6.

(7) IC 13-30-8.

(e) If an owner described in subsection (a) registered an underground storage tank before January 1, 2004, the penalty established in subsection (a) may not be assessed against the owner for any failure to pay an annual registration fee under section 1 of this chapter:

(1) in connection with the underground storage tank; and

(2) that was due before January 1, 2004.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1017, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "An" and insert **"Except as provided in subsection (e), an"**.

Page 1, line 8, reset in roman "thousand".

Page 1, line 8, delete "hundred".

Page 1, line 9, reset in roman "(\$2,000)".

Page 1, line 9, delete "(\$200)".

Page 2, delete lines 14 through 42, begin a new paragraph and insert:

"(e) If an owner described in subsection (a) registered an underground storage tank before January 1, 2004, the penalty established in subsection (a) may not be assessed against the owner for:

(1) failing to register the underground storage tank; or

(2) any failure to pay an annual registration fee under section 1 of this chapter:

(A) in connection with the underground storage tank; and

(B) that was due before January 1, 2004."

Delete page 3.

and when so amended that said bill do pass.

(Reference is to HB 1017 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1017, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1017 as printed January 30, 2004.)

GARD, Chairperson

Committee Vote: Yeas 9, Nays 0.

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EH 1017—LS 6121/DI 52+



SENATE MOTION

Madam President: I move that Engrossed House Bill 1017 be amended to read as follows:

Page 2, line 16, after "owner" insert "**for any failure to pay an annual registration fee under section 1 of this chapter:**

(1) in connection with the underground storage tank; and

(2) that was due before January 1, 2004."

Page 2, delete lines 17 through 22.

(Reference is to EHB 1017 as printed February 18, 2004.)

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